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Kurt A. Summe
Kurt A. Summe, Reg. No. 36,023

11/18/03

Date

PATENT
ATTY. DOCKET NO: MELV-02CT/119

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David Boyd Melvin
Serial No. 10/618,986
Filed: July 14, 2003
Title: HEART WALL ACTUATION DEVICE
FOR THE NATURAL HEART

Art Unit: 3738
Examiner:
Conf. No.: 5972

Cincinnati, Ohio

November 18, 2003

M.S. IDS – NO FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of candor and good faith imposed by 37 C.F.R. § 1.56 and means of complying therewith according to 37 C.F.R. §§ 1.97 and 1.98, the references listed on the attached Form PTO-1449 are called to the attention of the Examiner in connection with the above-identified patent application. Copies of the cited references have already been supplied in connection with U.S. Patent 6,592,619. The present application is a Continuation of U.S. Patent 6,592,619 and claims the benefit thereof under 35 U.S.C. § 120. Therefore, under 37 C.F.R. § 1.98(d) copies of the cited references need not be provided herewith. If additional copies of these references are desired, please contact the undersigned and they will be forwarded immediately.

The Examiner is urged to consider the cited references and to make an independent decision with respect to their materiality.

Applicant does not believe that any fees are due in connection with this submission. However, if such petition is due or any fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

Kurt A. Summe
Kurt A. Summe
Reg. No. 36,023

2700 Carew Tower
Cincinnati OH 45202
(513) 241-2324 Voice
(513) 421-7269 Facsimile

SUBSTITUTE FORM PTO-1449 (MODIFIED)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE							ATTY. DOCKET NO. MELV/02CT	SERIAL NO. 10/618,986
		INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary) (37 CFR 1.98(b))							APPLICANT David Boyd Melvin	
									FILING DATE July 14, 2003	GROUP 3738

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A.A	2	8	2	6	1	9	3	3/1958	Vineberg			
	A.B	3	0	5	3	2	4	9	9/1962	Smith			
	A.C	3	4	5	5	2	9	8	7/1969	Anstadt			
	A.D	3	5	1	3	8	3	6	5/1970	Sausse			
	A.E	3	5	9	0	8	1	5	7/1971	Schiff			
	A.F	3	6	1	3	6	7	2	10/1971	Schiff			
	A.G	3	6	6	8	7	0	8	6/1972	Tindal			
	A.H	3	7	1	3	4	3	9	1/1973	Cabezudo			
	A.I	3	7	9	1	3	8	8	2/1974	Hunter et al.			
	A.J	3	8	2	7	4	2	6	8/1974	Page et al.			
	A.K	3	9	8	3	8	6	3	10/1976	Janke et al.			

FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS

		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	A.L	EP 0,583,012	2/1988	EPO			
	A.M	EP 119,357	9/1984	EPO			
	A.N	SU 1191-076-A	11/1985	Soviet Union			
	A.O	WO 00/O6026	2/2000	PCT			
	A.P	WO 00/47270	08/17/00	PCT			
	A.Q	WO 00/O627	2/2000	PCT			

OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)

	A.R	Melvin, D.V.; Conkle, D.; Roberts, A; Stinson, E.; <u>"Cardiac Performance and Myocardial Contractility After Experimental Mechanical Ventricular Assistance"</u> , J. Thoracic and Cardiovascular Surgery Vol. 65, No. 6, June 1973.
	A.S	Melvin, D.B., <u>"Cardiovascular Surgery: Myocardial Preservation, Cardiorespiratory Support I."</u> , American Heart Assoc. Abstract, Circulation Part II, Vol. 68, No. 4; Scientific Sessions for Nurses; 37th Ann. Meeting; Nov. 14-17, 1983.
	A.T	Melvin, D.; Schima, H.; Losert, U.; Wolner, E., <u>"Long-Term Ventricular Wall Actuation: Can and Should it be Systematically Explored?"</u> , Artificial Organs, Vol. 20, No. 1, 1996.

EXAMINER	DATE CONSIDERED
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(37 CFR 1.98(b))											

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NOV 20 2003
PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	B.A	4	1	9	2	2	9	3	3/1980	Asrican			
	B.B	4	5	3	6	8	9	3	8/1985	Parravicini			
	B.C	4	6	2	1	6	1	7	11/1986	Sharma			
	B.D	4	6	9	0	1	3	4	9/1987	Snyders			
	B.E	4	8	0	9	6	7	6	3/1989	Freeman			
	B.F	4	8	4	6	8	3	1	7/1989	Skillin			
	B.G	4	9	0	4	2	5	5	2/1990	Chareire et al.			
	B.H	4	9	3	6	8	5	7	6/1990	Kulik			
	B.I	4	9	5	7	4	7	7	9/1990	Lundback			
	B.J	5	1	0	9	8	4	3	5/1992	Melvin et al.			
	B.K	5	1	1	9	8	0	4	6/1992	Anstadt			

FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS

		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	B.L	WO 00/O6028	2/2000	PCT			
	B.M	WO 00/16700	3/2000	PCT			
	B.N	WO 00/O2500	1/2000	PCT			
	B.O	WO 01/95832	12/20/01	PCT			
	B.P	WO 01/95831	12/20/01	PCT			
	B.Q	WO 01/85061	11/15/01	PCT			

OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)

	B.R	Melvin, D.B., et al., "A Physical Analog of the Failing Left Ventricle for In Vitro Studies of Mechanical Wall Actuation", Artificial Organs, Vol. 20, No. 3, 1996.
	B.S	Melvin, D.B. et al., "Reduction of Ventricular Wall Tensile Stress by Geometric Remodeling Device", ASAIO Journal (Abstract), Vol. 45, No. 2 pg. 166, March 17, 1999.
	B.T	Melvin, D.B. et al., "Reduction of Ventricular Wall Tensile Stress by Geometric Remodeling Device", ASAIO Annual Meeting (Poster), June 1999.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT		APPLICANT David Boyd Melvin		
(Use several sheets if necessary) (37 CFR 1.98(b))		FILING DATE July 14, 2003		GROUP 3738



U.S. PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	C.A	5 1 3 1 9 0 5	7/1992	Grooters			
	C.B	5 1 3 9 5 1 7	8/1992	Corral			
	C.C	5 1 6 9 3 8 1	12/1992	Snyders			
	C.D	5 1 9 2 3 1 4	3/1993	Daskalakis			
	C.E	5 2 0 1 8 8 0	4/1993	Wright et al.			
	C.F	5 2 5 6 1 3 2	10/1993	Snyders			
	C.G	5 2 5 8 0 2 1	11/1993	Duran			
	C.H	5 3 3 4 2 1 7	8/1994	Das			
	C.I	5 3 4 5 9 4 9	9/1994	Shlain			
	C.J	5 3 5 8 5 1 9	10/1994	Grandjean			
	C.K	5 3 7 0 6 8 5	12/1994	Stevens			

FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS

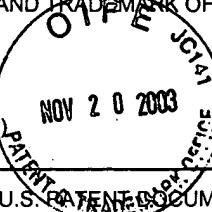
		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	C.L	WO 01/95830	12/20/01	PCT			
	C.M	WO 01/28455	4/2001	PCT			
	C.N	WO 98/29041	7/1998	PCT			
	C.O	WO 99/30647	6/1999	PCT			
	C.P	WO 99/53977	10/99	PCT			
	C.Q						

OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)

C.R	Melvin, D.B., <u>"Device-Induced Ventricular Geometric Remodeling: Appraisal of Critical Issues"</u> , J. of Cardiac Surgery (Accepted for publication), Presented at the 3rd Symposium of the Soc. of Cardiac Volume Reduction, April 9, 2000 in Osaka, Japan.
C.S	U.S. Patent Application Publication No. 2001/O016675, Mortier et al.; <u>Stress Reduction Apparatus and Method</u> , August 23, 2001
C.T	U.S. Patent Application Publication No. 2001/O047122, Vanden Hoek et al.; <u>Delivery of Cardiac Constraint Jacket</u> , published November 29, 2001

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									APPLICANT David Boyd Melvin			FILING DATE July 14, 2003		GROUP 3738	
		U.S. PATENT DOCUMENTS													
		EXAMINER INITIAL		PATENT NUMBER						ISSUE DATE	PATENTEE		CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	D.A	5	3	8	3	8	4	0	1/1995	Heilman et al.					
	D.B	5	3	8	5	5	2	8	1/1995	Wilk					
	D.C	5	4	8	4	3	9	1	1/1996	Buckman, Jr. et al.					
	D.D	5	4	8	7	7	6	0	1/1996	Villafana					
	D.E	5	5	3	3	9	5	8	7/1996	Wilk					
	D.F	5	5	7	1	1	7	6	11/1996	Taheri					
	D.G	5	5	8	1	1	7	6	12/1996	Lee					
	D.H	5	5	9	3	4	2	4	1/1997	Northrup, III					
	D.I	5	6	5	5	5	4	8	8/1997	Nelson et al.					
	D.J	5	7	0	2	3	4	3	12/1997	Alferness					
	D.K	5	7	0	9	6	9	5	1/1998	Northrup, III					
FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS															
		DOCUMENT NUMBER			PUBLICATION DATE		COUNTRY OR PATENT OFFICE		CLASS	SUBCLASS	TRANSLATION (YES/NO)				
	D.L														
	D.M														
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NOV 20 2003 PATENT AND TRADEMARK OFFICE U.S. PATENT DOCUMENTS											

EXAMINER INITIAL		PATENT NUMBER							ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	E.A	5	7	1	3	9	5	4	2/1998	Rosenberg et al.			
	E.B	5	7	3	8	6	2	6	4/1998	Jarvik			
	E.C	5	7	3	8	6	2	7	4/1998	Kovacs et al.			
	E.D	5	7	4	9	8	8	3	5/1998	Halpern			
	E.E	5	8	0	0	5	2	8	9/1998	Lederman et al.			
	E.F	5	8	2	4	0	7	1	10/1998	Nelson et al.			
	E.G	5	9	1	0	1	2	4	6/1999	Rubin			
	E.H	5	9	5	7	9	7	7	9/1999	Melvin			
	E.I	5	9	6	1	4	4	0	10/1999	Schweich, Jr. et al.			
	E.J	6	0	1	9	7	2	2	2/2000	Spence et al.			
	E.K	6	0	4	5	4	9	7	4/2000	Schweich, Jr. et al.			

FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS

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	E.L						
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U.S. PATENT DOCUMENTS													
EXAMINER INITIAL		PATENT NUMBER					ISSUE DATE	PATENTEE		CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	F.A	6	0	5	0	9	3	6	4/2000	Schweich, Jr. et al.			
	F.B	6	0	5	9	7	1	5	5/2000	Schweich, Jr. et al.			
	F.C	6	0	7	7	2	1	4	6/2000	Mortier et al.			
	F.D	6	0	8	5	7	5	4	6/2000	Alfernness et al.			
	F.E	6	1	1	0	1	0	0	8/2000	Talpade			
	F.F	6	1	2	3	6	6	2	9/2000	Alfernness et al.			
	F.G	6	1	2	5	8	5	2	10/03/00	Stevens et al.			
	F.H	6	1	6	2	1	6	8	12/2000	Schweich, Jr. et al.			
	F.I	6	1	6	5	1	1	9	12/2000	Schweich, Jr. et al.			
	F.J	6	1	6	5	1	2	0	12/2000	Schweich, Jr. et al.			
	F.K	6	1	7	9	7	9	1	1/2001	Krueger			
FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS													
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	F.L												
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	G.A	6	1	8	3	4	1	1	2/2001	Mortier et al.	
	G.B	6	2	6	1	2	2	2	7/2001	Schweich, Jr. et al.	
	G.C	6	2	6	4	6	0	2	7/2001	Mortier et al.	
	G.D	6	2	6	0	5	5	2	7/2001	Mortier et al.	
	G.E	6	2	9	3	9	0	6	9/2001	Vanden Hoek et al.	
	G.F	6	2	9	3	9	0	6	09/25/O1	Vanden Hoek et al.	
	G.G	6	3	1	9	2	3	1	11/20/O1	Andrulitis	
	G.H	6	3	2	4	4	3	0	11/27/O1	Zarinetchi et al.	
	G.I	6	3	2	4	4	3	1	11/27/O1	Zarinetchi et al.	
	G.J	6	3	3	2	8	6	3	12/25/O1	Schweich, Jr. et al.	
	G.K	6	3	3	2	8	6	4	12/25/O1	Schweich, Jr. et al.	
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